

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY CAMPBELL,

Plaintiff,

No. CIV S-05-0448 LKK KJM P

vs.

L. JOHNSON-DOVEY, et al.,

Defendants.

ORDER

Plaintiff is a prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983, and has requested authority to proceed in forma pauperis under 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1).

As a preliminary matter, before this court can make the determination whether plaintiff can proceed in forma pauperis, it is necessary to consider the number of lawsuits plaintiff has filed and their dispositions. Plaintiff has signed his complaint under the penalty of perjury. He avers he has filed one previous lawsuit and has written “n/a” to questions about docket number, date of filing, and disposition. Compl. at 2.

This court may and does take judicial notice of its own records, which show plaintiff has filed twenty-four lawsuits in the United States District Court for the Eastern District

1 of California. United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980). Plaintiff has failed  
2 truthfully to list the actual number of cases he has filed before filing this complaint. It is possible  
3 he has done so because he has been barred from filing further suits under 28 U.S.C. § 1915(g).

4           Within twenty days of the date this order is filed, plaintiff must show cause why  
5 this court should not impose the sanction of dismissal under Fed. R. Civ. P. 11(c)(1)(B) for  
6 plaintiff's violating Fed. R. Civ. P. 11(b). Plaintiff also must describe what happened to each of  
7 his earlier lawsuits. Failure to respond to this order will result in a recommendation that the  
8 action be dismissed with prejudice.

9           Accordingly, IT IS ORDERED that:

10           1. Within twenty days of the date this order is filed, plaintiff must show cause  
11 why this court should not impose the sanction of dismissal under Fed. R. Civ. P. 11(c)(1)(B) for  
12 plaintiff's violation of Fed. R. Civ. P. 11(b), in light of his failure to declare truthfully the  
13 number of lawsuits he had filed before filing this action; and

14           2. Also within twenty days of the date of this order, plaintiff must file with the  
15 court a document describing the outcome of each of the lawsuits he has filed as a prisoner.

16 DATED: November 30, 2005.

17  
18   
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26